

I. Preliminary Matter

As a preliminary matter, Applicant submits that the finality of the present Office Action is improper. Under present practice, second or any subsequent actions on the merits shall be final, **except** where the examiner introduces a new ground of rejection that is not necessitated by applicant's amendment of the claims. MPEP 706.07(a). In the Amendment filed May 9, 2005, Applicant's amendment to the claims were made for reasons of precision of language and consistency with common U.S. practice and were not made for reasons of patentability, as evidenced by the comments previously presented. No new issues were presented. Consequently, Applicant requests that the finality of the present Office Action be withdrawn.

II. Rejection of Claims 1-10 under 35 U.S.C. § 102(e)

Claims 1-10 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Li et al. (USP 6,654,363).

An exemplary embodiment of the present invention is directed to an addressing scheme for an IP-based radio access network. In particular, an exemplary embodiment of the present invention addresses the problem that pure radio aspects of a radio communication network are not supported by usual IP de-facto standards. See Applicant's specification at page 3, lines 11-15. The radio aspect of a radio communication network supports different channel types and the IP de-facto standard does not distinguish between the different channel types. See specification at page 3, lines 26-27. The present invention describes an addressing scheme for signaling the type of radio channel on which data destined to a radio terminal should be transported on a radio

interface. The type of radio channel over which a base station communicates with a radio terminal is determined by a port number mentioned in a Transmission Control Protocol (TCP) or User Datagram Protocol (UDP) data packet exchanged for the radio access network. See specification at page 5, lines 13-17.

Li is directed to a system and method for delivering Quality of Service (QoS) on IP packet based connections over a wireless link. See Field of the Invention. Li addresses the problem that existing wireless networks do not provide IP services with guaranteed service qualities for customers. See col. 1, lines 50-57. Further, the existing cdma2000 standards cannot support specific IP QoS for a specific data flow.

Based on the aforementioned descriptions, it is apparent that Li does not disclose the Applicant's claimed invention as further discussed below.

Claim 1 recites "a plurality of base stations." The Examiner asserts that Li's description of wireless networks (col. 1, lines 48-51) teaches a plurality of base stations. Claim 1 further recites "at least one base station controller, wherein said plurality of base stations and said at least one base station controller all communicate with each other by using one of a TCP/IP-based protocol stack and a UDP/IP-based protocol stack." The Examiner cites col. 3, lines 9-11 and col. 4, lines 56-63 in support. The respective column and lines cited by the Examiner discloses an IP QoS management architecture and that upper layer quality control QoS management can be implemented using a TCP/UDP/IP sub-layer. Assuming *arguendo*, Li teaches a plurality of base stations, there is no teaching or suggestion of a base station controller or that a plurality of base

stations and at least one base station controller all communicate with each other by using one of a TCP/IP-based protocol stack and a UDP/IP-based protocol stack.

Claim 1 further recites “wherein in said addressing scheme, the type of radio channel over which said base station communicates with one of said radio terminals is implicitly and univocally determined by a port number identified in each TCP or UDP data packet exchanged over said Radio Access Network and belonging to a communication with said radio terminal.”

The Examiner asserts that col. 7, lines 57-61 teaches this aspect of the claim. The respective column and lines cited by the Examiner disclose the contents of a Service Reference Identification (SRID). The IP QoS Adaptation (IQA) layer contains an IQA Entity (IQAE) which generates a SRID in terms of a mapping function. The SRID contains information of an IP source address, an IP destination address, a TCP source port, and a TCP destination port.

However, contrary to the Examiner’s assertions, there is no teaching or suggestion that a **type of radio channel over which said base station communicates with one of said radio terminals** is determined by a port number identified in each TCP or UDP data packet exchanged over said Radio Access Network and belonging to a communication with said radio terminal, as recited in claim 1.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claims 6 and 8 recite similar elements, claims 6 and 8 and their dependent claims should be deemed allowable for at least the same reasons.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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